



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2005-01308-Y3

Issue Date: February 27, 2006

Expiration Date: March 21, 2006

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).

APPLICANT: Battery Park City Authority
One World Financial Center
New York, NY 10281-1097

ACTIVITY: Dredge a marina, with maintenance.

WATERWAY: Hudson River

LOCATION: Borough of Manhattan, New York County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information

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submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the NOAA Fisheries Service (NFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the project is given in the attached Work Description. The District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to be substantial based on the use of conservation measures described in the Work Description. Further consultation with the NFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, and correspondence from the New York State Office of Parks, Recreation and Historic Preservation, dated January 27, 2006, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration: New York State Department of Environmental Conservation Permit; New York City Department of City Planning.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8523 and ask for Naomi J. Handell.

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For more information on New York District Corps of Engineers programs, visit our website at
<http://www.nan.usace.army.mil>



For Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Battery Park City Authority, has requested Department of the Army authorization to dredge the Battery Park City North Cove Marina, with ten years maintenance and upland disposal, in the Hudson River, Borough of Manhattan, New York County, New York.

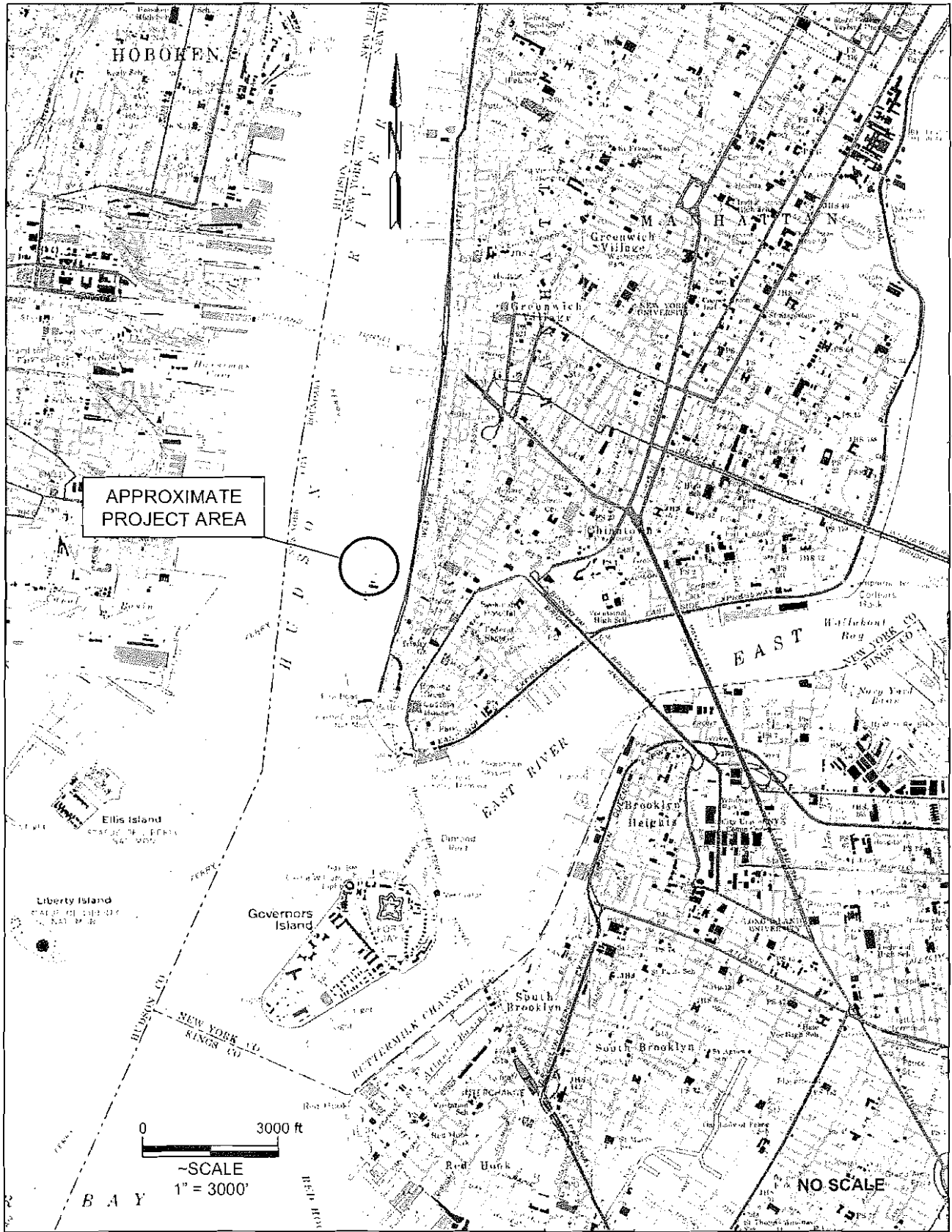
The work would involve dredging with a sealed (environmental) clamshell bucket, a total of approximately 24,200 cubic yards of sediment from a 3.1 acre area to a maximum depth of 16 feet below the plane of mean low water, plus a 2 foot allowable overdepth.

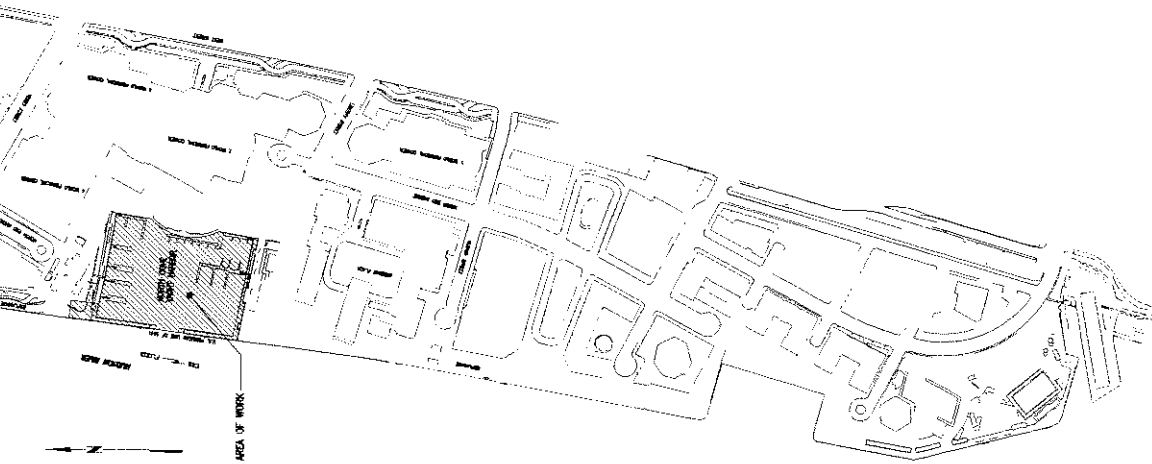
Two additional dredging events are anticipated over the next ten years.

The following Best Management Practices are proposed to reduce impacts to the aquatic environment:

- 1) A closed (environmental) bucket would be used with the hoist speed limited to less than 2 feet per second to minimize turbidity.
- 2) Silt curtains would be deployed around the entire perimeter of the North Cove Marina, including the cove entrance, at all times to contain turbidity within the cove. Silt curtains would also be placed at the World Financial Center cooling water intake structure to prevent sediment from entering the cooling system.
- 3) Movement of barges and equipment into and out of the cove, necessitating the removal of the silt curtain would be restricted to slack water +/- 1 hour to prevent sediment dispersion into the river.
- 4) To protect water quality, no barge overflow would be allowed. The dredged material is proposed to be beneficially used at a state-approved upland site. No return flow of water or decanting within the North Cove Marina basin is proposed.

The stated purpose of this project is to provide sufficient water depth for the early May 2006 arrival of vessels participating in the Volvo World Race to safely moor and maneuver in the cove and to allow the marina to maintain safe navigable depths for current marina users.





LOCATION PLAN
GRAPHIC SCALE

LIST OF DRAWINGS

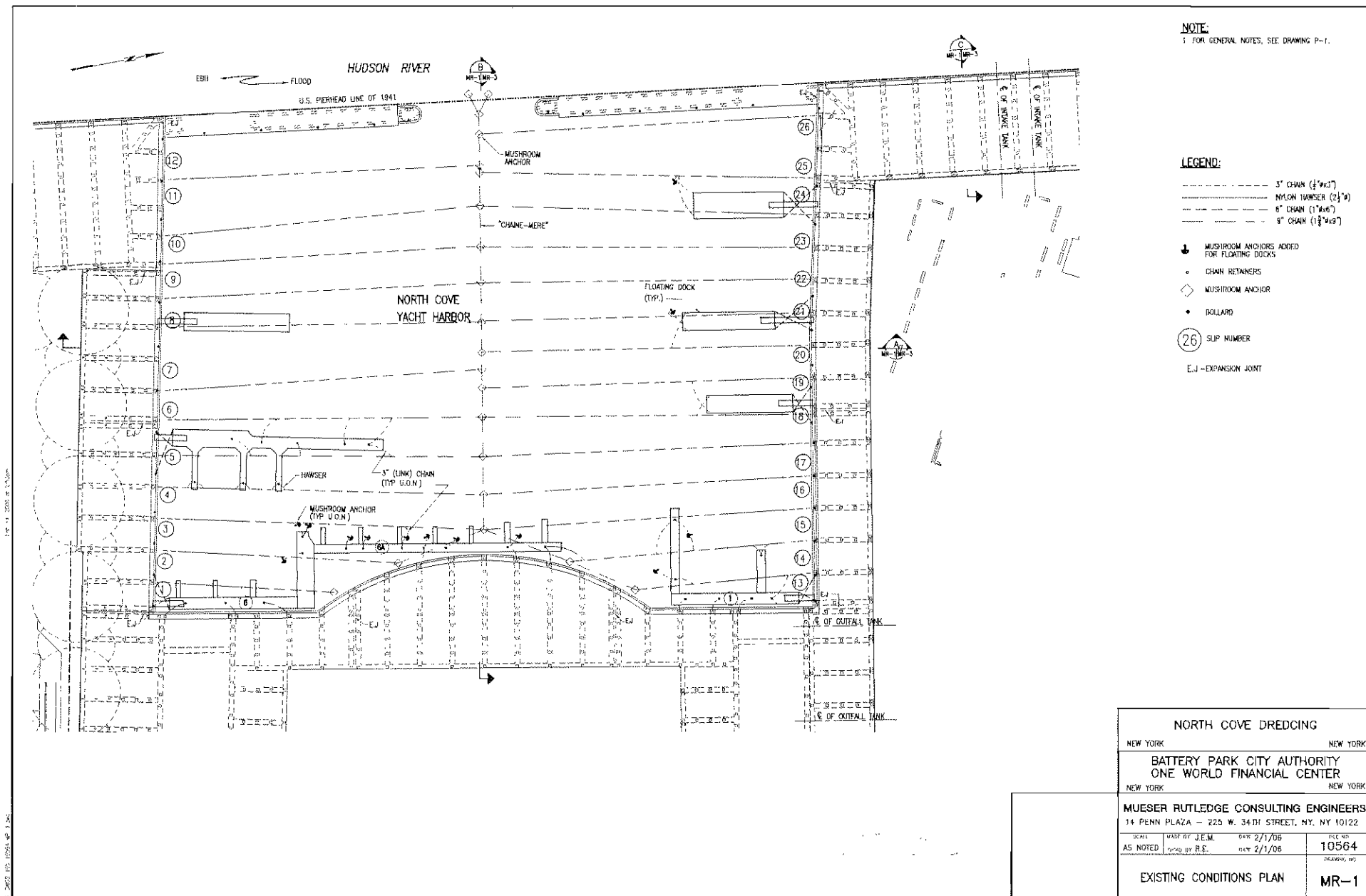
DRAWING NO.	TITLE
P-1	LOCATION PLAN, LIST OF DRAWINGS, GENERAL NOTES
MR-1	EXISTING CONDITIONS PLAN
MR-2	DREDGING PLAN
MR-3	SECTIONS

GENERAL NOTES:

- ELEVATIONS SHOWN EXCEPT FOR MUDLINE BEING CONSIDERED ON DRAWINGS AND MR-2 REFER TO BENCHMARK PRESENT ON MANHATTAN DATUM WHICH IS 2.75 FEET ABOVE MEAN SEA LEVEL AT "SANDY HOOK" (USACE DATUM). THIS IS APPROXIMATELY EQUIVALENT TO MEAN HIGH WATER AT THE BATTERY PARK CITY SITE.
- COORDINATE ALL ACTIVITIES RELATED TO THE DREDGING AND DISPOSAL WORK WITH DPMA AND THE NORTH COVE MARINA.
- CONTRACTOR IS RESPONSIBLE FOR SELECTING TRUCKING EQUIPMENT (BARGES AND SCOWS) THAT WILL ACCOMMODATE THE EXISTING NORTH COVE MARINA GEOMETRY AND PERMIT THE EXPEDIENT PERFORMANCE OF THE WORK.
- COORDINATE REQUIRED TEMPORARY RELOCATIONS INCLUDING EXISTING ANCHOR CHAINS AND FLOATING DECKS WITH THE NORTH COVE MARINA.
- COMPLY WITH ALL REGULATORY AGENCIES PERMITS, REQUIREMENTS AND OTHER REQUIREMENTS INCLUDED IN THE CONTRACT SPECIFICATIONS.
- PROTECT ALL EXISTING FACILITIES FROM DAMAGE DURING DREDGING AND DISPOSAL WORK.
- MOORING TO THE EXISTING PERIMETER PLATFORM IS NOT PERMITTED. MOORING SPILDS AND ANCHORS ARE NOT PERMITTED TO BE LOCATED WITHIN THE SHARPS AREAS ON THE DREDGING PLAN.
- PROVIDE ALL DIRT BOOMS AND SILT CURTAINS WHERE SHOWN ON THE DREDGING PLAN PRIOR TO THE START OF DREDGING.
- ALL DREDGING IS TO BE PERFORMED WITH AN ENVIRONMENTAL BRACKET IN CONFORMANCE WITH THE CONTRACT SPECIFICATIONS.
- A POST DREDGE BATHYMETRIC SURVEY SHALL BE PERFORMED AND SUBMITTED FOR APPROVAL PRIOR TO DEMOBILIZATION FROM THE SITE.

NEW YORK		NEW YORK	
NORTH COVE DREDGING		NEW YORK	
BATTERY PARK CITY AUTHORITY		NEW YORK	
ONE WORLD FINANCIAL CENTER		NEW YORK	
MUESER RUTLEDGE CONSULTING ENGINEERS		NEW YORK	
14 PENN PLAZA -- 225 W. 34TH STREET, NY, NY 10122		NEW YORK	
SCALE: 1"=50' HORIZ. 1"=10' VERT.		DATE: 2/1/06	
AS NOTED		DRAWING NO.	
10564		P-1	
LOCATION PLAN, LIST OF DRAWINGS, GENERAL NOTES		P-1	

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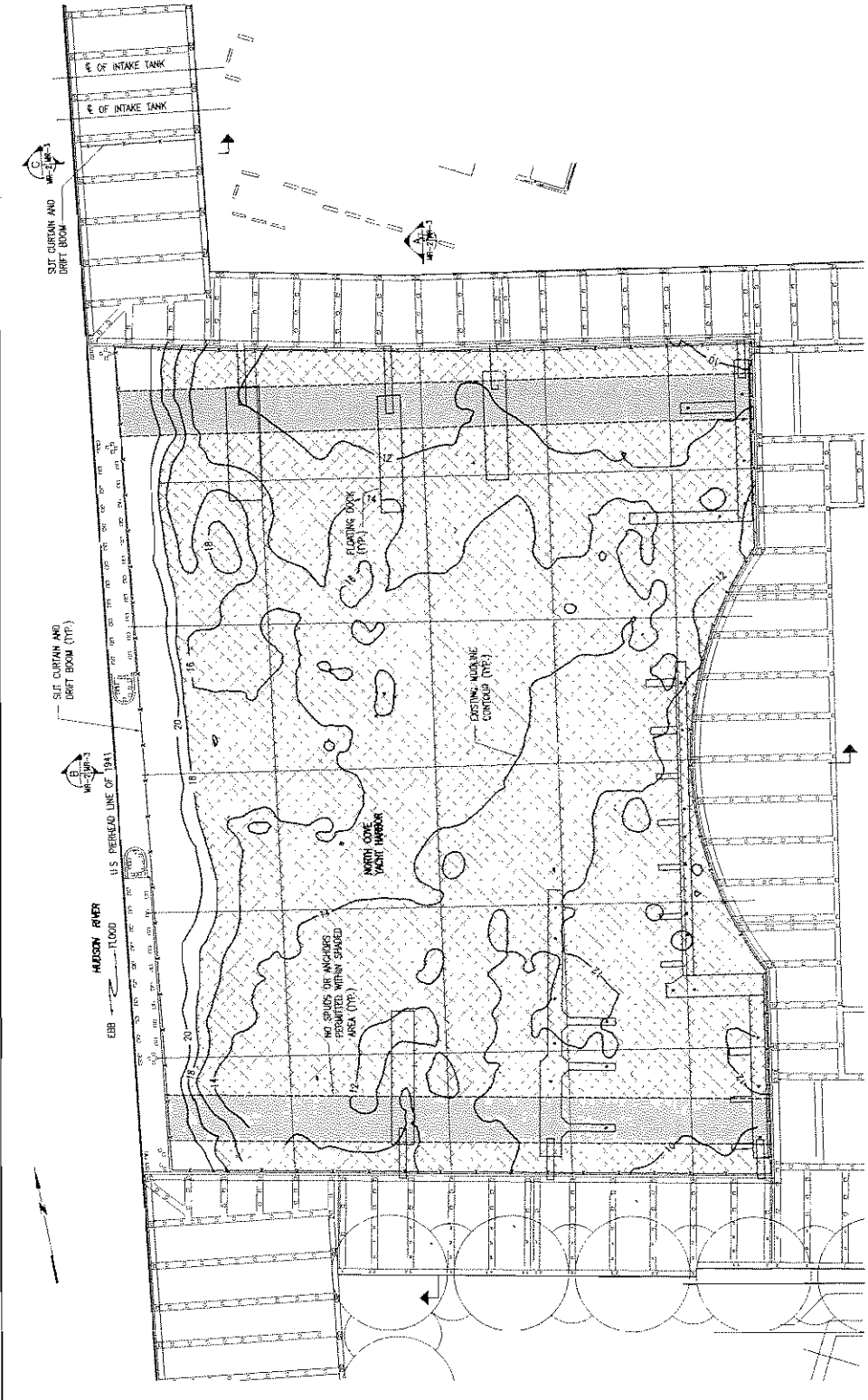
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Sheet 345

NOTES:

1. FOR GENERAL NOTES, SEE DRAWING P-1.
2. MIDDLE LINE CONTOURS ARE IN FEET AND ARE DEPTHS BELOW MEAN LOW WATER (MLW) BASED ON N.O.S. BENCH MARK NO. 6 1975 LOCATED AT BATTERY PARK. THE BENCH MARK IS A DISK WITH ELEVATION OF 71.67 FEET ABOVE MEAN LOWER LOW WATER (MLLW). MLLW IS 0.21 FEET ABOVE MEAN LOWER LOW WATER (MLW).
3. THE INFORMATION PRESENTED ON THIS PLAN REPRESENTS THE RESULTS OF A HYDROGRAPHIC SURVEY PERFORMED BY HYDRO DATA, INC. ON DECEMBER 27, 2005 AND CAN ONLY BE CONSIDERED AS INDICATING THE CONDITIONS AT THAT TIME.
4. AREA TO BE DREDGED IS APPROXIMATELY 3.1 ACRES.
5. THE APPROXIMATE VOLUME TO BE DREDGED IS 24,000 CUBIC YARDS.

LEGEND:

- DENOTES DREDGING LIMITS



NEW YORK		NEW YORK	
NORTH COVE DREDGING		BATTERY PARK CITY AUTHORITY	
		ONE WORLD FINANCIAL CENTER	
		NEW YORK	
		MUESER RUTLEDGE CONSULTING ENGINEERS	
		14 PENN PLAZA - 225 W. 34TH STREET, NY, NY 10122	
		SCALE: 1"=40' H.W. 11/1/06	
		AS NOTED DATE 11/1/06	
		DRAWING NO.	
		10564	
		DREDGING PLAN	
		MR-2	

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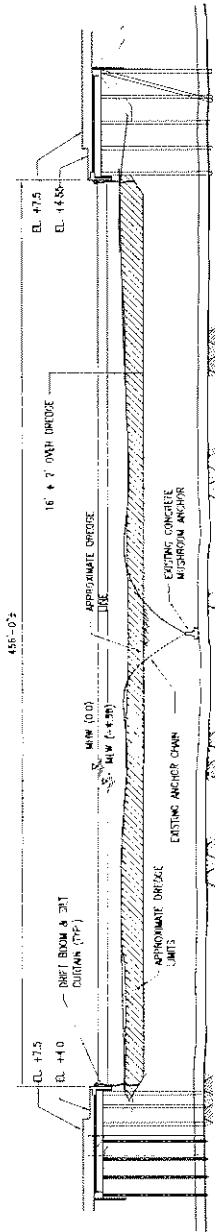
NOTE

1. FOR GENERAL NOTES, SEE DRAWING P-1.
2. THE LENGTH AND DEPTH OF THE SILT CURTAIN TO BE PLACED ON THE NORTH, SOUTH, AND WESTERN SIDES OF THE BASIN, AND THE LENGTH AND DEPTH OF THE CURTAIN (AS SHOWN IN SECTION C) THAT WILL BE USED TO PROTECT THE WIC INTAKE.
3. APPROXIMATE CURTAIN LENGTH AND DEPTH IS AS FOLLOWS:
NORTH SIDE: 350'x20'
SOUTH SIDE: 330'x20'
WEST SIDE: 492'x20'
INTAKE AREA: 63'x46'

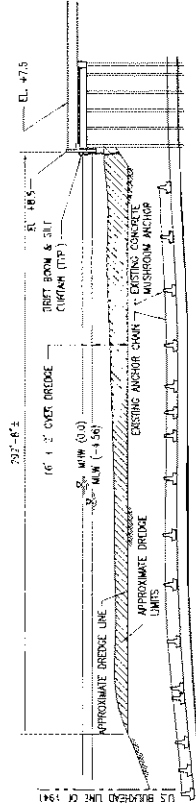
LEGEND:



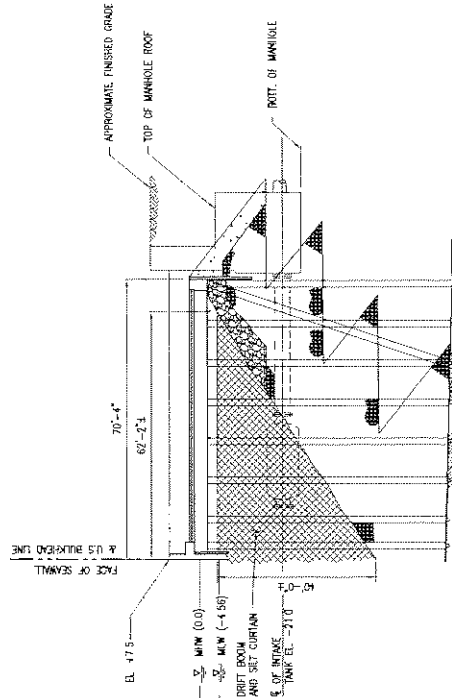
- DENOTES DREDGING LIMITS



SECTION A
SCALE: 1"=30"
MR-1 (MR-3)
MR-2



SECTION B
SCALE: 1"=30"
MR-1 (MR-3)
MR-2



SECTION C
SCALE: 1"=15"
MR-1 (MR-3)
MR-2

NORTH GOVE DREDGING	
NEW YORK	NEW YORK
BATTERY PARK CITY AUTHORITY ONE WORLD FINANCIAL CENTER	
NEW YORK	NEW YORK
MUESER RUTLEDGE CONSULTING ENGINEERS	
14 PENN PLAZA -- 225 W 34TH STREET, NY, NY 10122	
SCALE: 1"=30'	DATE: 2/1/06
AS NOTED	DATE BY P.E. 10564
CHECKED BY: 2/1/06	
SECTIONS	
MR-3	

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